

1-1 By: King of Uvalde (Senate Sponsor - Lucio) H.B. No. 3227
1-2 (In the Senate - Received from the House May 8, 2017;
1-3 May 10, 2017, read first time and referred to Committee on
1-4 Agriculture, Water & Rural Affairs; May 16, 2017, reported
1-5 favorably by the following vote: Yeas 6, Nays 1; May 16, 2017, sent
1-6 to printer.)

1-7 COMMITTEE VOTE

1-8	Yea	Nay	Absent	PNV
1-9	Perry	X		
1-10	Rodriguez	X		
1-11	Creighton	X		
1-12	Hall		X	
1-13	Hinojosa	X		
1-14	Kolkhorst	X		
1-15	Miles	X		

1-16 A BILL TO BE ENTITLED
1-17 AN ACT

1-18 relating to the administration and enforcement of produce safety
1-19 standards by the Department of Agriculture; authorizing an
1-20 administrative penalty.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 12.020(c), Agriculture Code, is amended
1-23 to read as follows:

1-24 (c) The provisions of law subject to this section and the
1-25 applicable penalty amounts are as follows:

1-26	Provision	Amount of Penalty
1-27		
1-28	Chapters 13, 14A, 17, 18, 19, 41,	
1-29	46, 61, 72, 73, 74, 76, 94, 95, 101,	
1-30	102, 103, 125, 132,	
1-31	and 134	not more than \$5,000
1-32		
1-33		
1-34		
1-35	Subchapters A, B, and C, Chapter 71	not more than \$5,000
1-36	Chapter 14	not more than \$10,000
1-37	Chapter 1951, Occupations Code	not more than \$5,000
1-38	Chapter 153, Natural Resources	
1-39	Code	not more than \$5,000
1-40	Section 91.009	not more than \$5,000.
1-41	SECTION 2. Section 91.009, Agriculture Code, is amended to	
1-42	read as follows:	
1-43	Sec. 91.009. COORDINATION OF <u>PRODUCE</u> [FOOD] SAFETY. (a)	
1-44	The department is the lead agency for <u>the administration,</u>	
1-45	<u>implementation, and enforcement of, and</u> education and training	
1-46	<u>relating to, the United States Food and Drug Administration</u>	
1-47	<u>Standards for the Growing, Harvesting, Packing, and Holding of</u>	
1-48	<u>Produce for Human Consumption (21 C.F.R. Part 112) or any successor</u>	
1-49	<u>federal produce safety rule or standard.</u>	
1-50	(a-1) The department [and] shall assist the fresh fruit and	
1-51	vegetable industries with <u>produce</u> [food] safety issues and may	
1-52	provide assistance to federal agencies in their implementation of	
1-53	<u>[voluntary] guidelines relating to sound agricultural practices.</u>	
1-54	(b) The department shall coordinate <u>and</u> [7] plan [7 and	
1-55	approve] training and awareness programs for producers and packers	
1-56	of fresh fruits and vegetables. A program under this subsection	
1-57	must inform and educate producers and packers regarding:	
1-58	(1) sound agricultural practices;	
1-59	(2) proper <u>produce</u> [food] handling procedures;	
1-60	(3) the prevention of accidental or deliberately	

planned outbreaks of disease; and

(4) the enhancement of overall produce ~~[food]~~ safety.

(c) The department shall coordinate the planning and implementation of programs required by Subsection (b) with:

(1) colleges and universities in this state;

(2) the Texas A&M AgriLife Extension Service;

(3) Texas A&M AgriLife Research;

(4) the Department of State Health Services; ~~[and]~~

(5) private industry; and

(6) nongovernmental organizations.

(c-1) The department may enter into a cooperative agreement, interagency agreement, grant agreement, or memorandum of understanding with a federal or state agency for the administration, implementation, or enforcement of this section.

(d) The department may adopt rules to administer, implement, and enforce this section. In the development of rules under this section [for the certification of approved food safety curriculum or training], the department may consider relevant state, federal, or national standards and may [shall] consult [and coordinate] with federal or state agencies [the Department of State Health Services].

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

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